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IN THE

Supreme Court of the United States

OCTOBER TERM, 1961

No. 857

CHARLES J. HIRSCH, *Petitioner*

v.

DAVID L. LADD, Commissioner of Patents, *Respondent*

REPLY BRIEF FOR PETITIONER

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Little need be said in reply to the Brief For The Respondent in Opposition.

The tortuous reasoning of Respondent with regard to this Court's jurisdiction has no basis in fact and should not deny to a petitioner the clear right of review authorized by Congress. Whatever Respondent may say of history, it is clear that Congress said the last word in 28 USC 1256 as late as 1948. This statutory section makes no division according to subject matter of cases which may be reviewed by the Supreme Court. It in no way restricts the authority to review therein set forth.

Respondent concedes that "there are no constitutional obstacles to review by this Court of the patent ruling of the court below" (p. 5, Brief) and in the following sentence implies that the question is up to Congress by saying "At the same time there is the grave doubt whether Congress has vested this Court with that jurisdiction".

The simple answer to this question is the unambiguous language of 28 U.S.C. 1256 and the cases *Caminetti* and *Yates* discussed at pages 18 through 20 of the Petition. This all adds up to the proposition that where Congress has unequivocally spoken, that is the end of it. We are forbidden to speculate when statutory language is clear and unambiguous, as are the plain words of 28 U.S.C. 1256. It is absurd for Respondent to say (Brief, p. 6) "Nothing in the codifying Act of 1948 or in its history suggests that Congress had any intention of giving this Court the power to review a class of cases over which jurisdiction had previously been withheld". The very clear words of 28 U.S.C. 1256 not only suggest such intention, they unequivocally state it. Why should we doubt that Congress meant what it said therein.

Respectfully submitted,

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